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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,541	11/16/2001	Scott D. Carty	9627	2616

26890 7590 05/19/2005

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EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,541

Applicant(s)

CARTY ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15, 20-22, and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 21 and 28 is/are allowed.
- 6) ☒ Claim(s) 13, 15, 20, 22, 27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is issued in response to applicant amendment filed 3/14/05.
2. Claim 1-12, 16-19, and 23-26 were canceled. 13-15, 20-22, and 27-29 were amended. No claims were added.
3. Claims 13, 15, 20, 22, 27, and 29 are rejected. Claims 14, 21, and 28, are allowed.
4. Applicant's arguments filed 3/14/05 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 13, 15, 20, 22, 27, and 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by NCR ("E-Business Teradata @ ctive Warehouse 2.0 Installation Customization Guide").
7. Regarding Claims 13, 15, 20, 22, 27, and 29, NCR documents the fact that the claimed features of the invention were presented in version 2.0 of the NCR product E-Business Teradata

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@ctive Warehouse (ECTAW). See in particular chapters 2, and 4, which details the EBTAW Logical Data Model (LDM), which documents all of the claimed subject matter.

8. Other prior art record, the PR Newswire press release of 25 September 2000 (“NCR Expands E-Business Data Warehouse Offer”) documents the fact that on September 25, 2000 NCR released version 3.0 of the EBTAW product.

9. Since the NCR EBTAW version 2.0 was published document and accessible to the public use prior (September 25, 2000) which is more than one year prior to the instant application (files November 16, 2001), the Applicant is barred from receiving a patent on the claimed invention.

Response to Arguments

Applicant argues that “The 2.0 and 3.0 releases of the E-Business Teradata @ctive Warehouse were NCR Corporation confidential information products published for internal NCR Corporation use only. The intended audience for these documents was NCR Professional Services personnel for use in planning and executing customer engagements in the field. The documents are identified as confidential in the preface to the guides. The 2.0 and 3.0 releases of the E-Business Teradata @ctive Warehouse Installation and Customization Guides are provided not as publicly disclosed publications, but to illustrate the form and structure of the E-Business Teradata @ctive Warehouse and the E-Business logical data model as of June 2000 and January 2001.” And “September 25, 2000 press release represents an offer for sale as of that date”.

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Examiner disagrees. Since the E-Business Teradata @ctive Warehouse 2.0 was printed publication in this or a foreign country published and accessible to the out side user. Makes the claims unpatentable.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

10. The prior art made of record not relied upon is considered pertinent to applicant's disclosure.

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Pabiemiak et al. (US Patent 6,128,624) discloses a system that integrates data elements from an operational database of an ISP and CSP into a predetermined format for supporting the collection of Internet and/or electronic commerce data.

Lazarus et al. (US Patent 6,134,532) discloses a system for matching of users to the most relevant entity and information in real time.

Paiemiak et al. (US Patent 6,175,838) discloses a method for forming page map to present Internet data to management and business operations.

Cuomo et al. (US Patent 6,272,539) discloses a method for determining an estimated overall delay value associated with a user's communication with a site in a network and providing the user with visual representation on the estimated overall delay value.

Papiemiak et al. (US Patent 6, 169, 997) discloses a method for forming subject (context) map and presenting Internet data according to the subject map.

Eldering et al. (US Patent 6,298,348) discloses a consumer profiling system in which a consumer profile is formed and updated based on the consumer's purchases.

Chen et al. (US Patent 6,684,206) discloses a method for analyzing web access to discover usage patterns and rules for supporting business intelligence.

Brobst et al. (Active Warehousing) discloses the new generation of data warehouse that take on mission critical supporting CRM, one-to-one marketing and minute-to-minute decision support.

PR Newswire (Travelocity.com Manages Online Data with NCR Teradata) discloses the user of instant invention by the travelocity.com website in April 2000.

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PR Newswire (NCR Launches E-Business Data Warehouse) is a product announcement of NCR's E-Business Teradata Active Warehouse.

Middleton (NCR Boosts Data Privacy with Teradata Active Warehouse) discloses that the newly launched Teradata Active Warehouse is designed to ensure the privacy of data in an e-business environment.

Vowler (US Data Warehousing to make the Most of Web Data) discloses the use of e-business intelligence.

PR Newswire (NCR Announces its Support for Microstrategy 7) is a product announcement that NCR will support Microstrategy 7 in its Teradata Active Warehouse Product.

PR Newswire (NCR Expands E-Business Data Warehouse Offer) is a product announcement and documents that release version 3.0 of NCR's E-Business Teradata Active Warehouse product on September 25th, 2000.

Brinson (NCR Teradata @ctive Warehouse Helps Delta Air Lines take off) discloses the use of the Teradata Active Warehouse product by Delta Airlines.

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Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013.

The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label

"PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
May 10, 2005



ALFORD KINDRED
PRIMARY EXAMINER